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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,243	11/28/2003	Robert Model	MOD-001	1645

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EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/724,243	Applicant(s) MODEL, ROBERT	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>28/11/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

Information Disclosure Statement

The information disclosure statement filed November 28, 2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because for the first cited reference, the number and name do not match. Therefore, this reference has not been considered. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 420B, 420C, 475A, 475B, 470B, 460B, 475C, 460C, 470C, 620B, 620C, 660B, 660C, 650A, 650B, and 650C.

The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 240B, 240D, 200D, and 670A.

The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "370" has been used to designate both the thumb tab and the dividers.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 14, "angels" should be "angles". Appropriate correction is required.

The use of the trademark VELCRO has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

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Claim Objections

Claim 12 is objected to because of the following informalities: "angels" should be "angles". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 11, "the tilting organizer" and "the rigid material" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-10, 12, 14, 15, 17-19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Roesler. Roesler teaches a tilting organizer (Fig. 2) comprising: a single unit base section (16,20) and a single unit supply section (32) with compartments movably and pivotally attached to the

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base section via an arm/rod (60) on the supply section and groove (28)/ledge (22) in the sidewall of the base section. The supply section rotating up and down and at various angles when pivoting. Furthermore, the supply section includes compartments (formed by 46) and dividers (46) capable of holding items to be stored vertically or horizontally.

Claims 1, 3-6, 8-10, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Quinn. Quinn teaches a tilting organizer (Fig. 5) comprising: a single unit base section (33) and a single unit supply section (10) with compartments movably and pivotally attached to the base section via an arm (22) on the supply section and a groove (42) in the sidewall of the base section. The supply section rotating up and down and at various angles when pivoting. Furthermore, the supply section includes compartments capable of holding items to be stored vertically or horizontally.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Brooks. Brooks teaches a drawer (2) made of a rigid material/plastic.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher in view of Roesler. Hatcher teaches a tilting organizer (Figs. 4-7) comprising: a single unit base section (18, 20, 22) and a single unit supply section (14) movably and rotatably attached to the base section via an arm (16) on the supply section and groove (28) in the sidewall of the base section. The supply section movable up and down and at various angles (see Fig. 7) and is mounted in the base section so that it can move out of the base section from two different directions (see Figs. 4/5 and Figs. 6/7). The groove can include a slopping section (see Figs. 6/7) if desired. For claims 1 and 17, Hatcher fails to teach compartments in the supply section. Roesler teaches the use of dividers/compartments in a supply section unit (see Fig. 3). It would have been obvious to modify the supply unit of Hatcher by adding a divider (with or without smaller dividers therein) in a front or side portion thereof, such as the divider(s) taught by Roesler, to provide a storage compartment for small articles, etc.

For claim 11, Hatcher in view of Roesler fails to teach a plastic organizer. However, the examiner takes Official notice that plastic drawer assemblies are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the organizer of Hatcher in view of Roesler by making it out of plastic instead of metal, depending on the desired need of the person constructing the organizer, depending on the materials readily available, personnel preferences, economic considerations, etc.

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Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roesler. Roesler teaches a tilting organizer having a base section and supply section made of wood. For claim 11, Roesler fails to teach a plastic organizer. However, the examiner takes Official notice that plastic drawer assemblies are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the organizer of Roesler by making it out of plastic instead of wood, depending on the desired need of the person constructing the organizer, depending on the materials readily available, personnel preferences, economic considerations, etc.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quinn. Quinn teaches a tilting organizer having a base section and supply section made of metal (from the cross sections thereof). For claim 11, Quinn fails to teach a plastic organizer. However, the examiner takes Official notice that plastic drawer assemblies are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the organizer of Quinn by making it out of plastic instead of metal, depending on the desired need of the person constructing the organizer, depending on the materials readily available, personnel preferences, economic considerations, etc.

Allowable Subject Matter

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22-24 are allowed. (Claim 22 teaches an organizer having a base including a bottom and a side with a groove and having an organizer with an arm that slides within the groove of the base. The allowable subject matter being the specific tilting organizer base groove claimed, i.e. the groove extends vertically downward from an upper edge to a stationary point, the groove then extends horizontally forward from the stationary point and then extends diagonally up and forward, and the groove ending at a tilting point at the end of portion extending diagonally up and forward.)

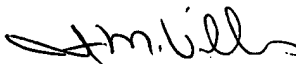
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
June 27, 2005


JANET M. WILKENS
PRIMARY EXAMINER
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